

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Bair Hugger Forced Air Warming
Devices Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:
ALL ACTIONS

**DECLARATION OF MICHAEL V.
CIRESI IN SUPPORT OF MOTION
TO DISQUALIFY
JUDGE ERICKSEN AND
MAGISTRATE JUDGE SCHULTZ**

1. My name is Michael V. Ciresi and I am a Partner at Ciresi Conlin, LLP. I am a member of the Court-appointed Co-Lead Counsel in the above-entitled matter.
2. I submit this declaration in support of Plaintiffs' Motion to Disqualify Judge Ericksen and Magistrate Judge Schultz. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.
3. Attached hereto as PX1 is a true and correct copy of *MDL Cases*, U.S. Dist. Ct. for the Dist. of Minn., <https://www.mnd.uscourts.gov/mdl-cases>.
4. Attached hereto as PX2 is a true and correct copy of Magistrate Judge David T. Schultz's Financial Disclosure Report for Calendar Year 2017, dated August 8, 2018.
5. Attached hereto as PX3 is a true and correct copy of Magistrate Judge David T. Schultz's Financial Disclosure Report for Calendar Year 2018, dated August 1, 2019.
6. Attached hereto as PX4 is a true and correct copy of Magistrate Judge David T. Schultz's Financial Disclosure Report for Calendar Year 2019, dated July 24, 2020.

7. Attached hereto as PX5 is a true and correct copy of *Traditional IRA vs. Roth IRA: Which is right for you?*, Thrivent, <https://www.thriventfunds.com/insights/retirement-planning/traditional-vs-roth-ira.html>.

8. Attached hereto as PX6 is a true and correct copy of excerpts from the April 26, 2019 status conference transcript, held before Magistrate Judge David T. Schultz.

9. Attached hereto as PX7 is a true and correct copy of excerpts from the November 15, 2018 status conference transcript, held before Judge Joan N. Ericksen and Magistrate Judge David T. Schultz.

10. Attached hereto as PX8 is a true and correct copy of excerpts from the October 25, 2017 *Daubert* hearing transcript, held before Judge Joan N. Ericksen, Magistrate Judge Franklin L. Noel, and Judge William H. Leary.

11. Attached hereto as PX9 is a true and correct copy of excerpts from the October 18, 2018 status conference transcript, held before Judge Joan N. Ericksen and Magistrate Judge David T. Schultz.

12. Attached hereto as PX10 is a true and correct copy of excerpts from the May 15, 2018 trial transcript in *Gareis v. 3M Co., et al.*, Case No. 16-cv-4187 (D. Minn.).

13. Attached hereto as PX11 is a true and correct copy of Al Van Duren, *Prewarming*, dated January 2005, bearing Bates Nos. 3MBH00834864-3MBH00834877, admitted in *O'Haver* as Plaintiff's Trial Ex. 1759. This document is identical to Bates Nos. 3MBH00297650-3MBH00297663, which was cited in *Gareis*, Dkt. 65. This document was filed under seal.

14. Attached hereto as PX12 is a true and correct copy of excerpts from the May 16, 2018 trial transcript in *Gareis*.

15. Attached hereto as PX13 is a true and correct copy of excerpts from the October 6 and 13, 2022 trial transcripts in *O'Haver*.

16. Attached hereto as PX14 is a true and correct copy of *Arizant forced-air warming and SSI prevention: Talking point for sales*, dated June 2010, bearing Bates Nos. 3MBH00001336-3MBH00001337, admitted in *O'Haver* as Plaintiff's Trial Ex. 1759. This document was filed under seal.

17. Attached hereto as PX15 is a true and correct copy of excerpts from the February 18, 2016 status conference transcript, held before Judge Joan N. Ericksen and Magistrate Judge Franklin L. Noel.

18. Attached hereto as PX16 is a true and correct copy of excerpts from the June 15, 2017 status conference transcript, held before Judge Joan N. Ericksen and Magistrate Judge Franklin L. Noel.

19. Attached hereto as PX17 is a true and correct copy of excerpts from the October 24, 2017 *Daubert* hearing transcript, held before Judge Joan N. Ericksen, Magistrate Judge Franklin L. Noel, and Judge William H. Leary.

20. Attached hereto as PX18 is a true and correct copy of *Lawyer Details: Frederick W. Morris* Minn. Att'y Registration Sys., <https://mars.courts.state.mn.us/AttorneyDetail.aspx?attyID=0075358>.

21. Attached hereto as PX19 is a true and correct copy of *Frederick Morris*, LinkedIn, <https://www.linkedin.com/in/frederick-morris-3bb8105>.

22. Attached hereto as PX20 is a true and correct copy of *Frederick W. Morris*, Leonard Street & Deinard, <https://web.archive.org/web/20120130140414/www.leonard.com/bio/frederick-morris>.

23. Attached hereto as PX21 is a true and correct copy of *Litigation Analytics Report for Frederick W. Morris*, Westlaw Edge.

24. Attached hereto as PX22 is a true and correct copy of excerpts from the June 12, 2019 reconsideration hearing transcript, held before Judge Joan N. Ericksen.

25. Attached hereto as PX23 is a true and correct copy of *Judiciary Financial Disclosure Reports*, U.S. Cts., <https://www.uscourts.gov/judges-judgeships/judiciary-financial-disclosure-reports>.

26. Attached hereto as PX24 is a true and correct copy of *Financial Disclosures for J. David T. Schultz*, Ct. Listener, <https://www.courtlistener.com/person/9327/disclosure/33017/david-t-schultz/>.

27. I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 11, 2023

Respectfully submitted,

CIRESI CONLIN L.L.P.

/s/ Michael V. Ciresi
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